

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Kevin Brathwaite,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1542-GMS
)	
Thomas Carroll, Warden, et al.,)	Trial by Jury Demanded
)	
Defendants.)	

AFFIDAVIT OF CATHERINE MALAY

I, Catherine Malay, having been duly sworn according to the law do hereby
depose and say the following:

1. I have been employed by the Department of Correction since December of 2001. Currently I am the Administrative Specialist I, for the Legal Services Administrator at the Delaware Correctional Center(DCC). I have held this position since September of 2004.

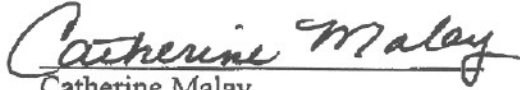
2. My official duty with regard to the Hearing Office in 2004 was to perform data entry. I did not have decision making power in the Hearing Office processes.

3. The Hearing Office staff submitted their daily Disciplinary Hearing documentation to my office. Upon receipt of the documents I would date stamp the hearing paperwork and check the documentation to determine if the inmate was requesting an appeal. If the inmate checked the area for appeal, I would place the documents in a tickler file for 72 hours. If the inmate failed to file the required Appeal document within the 72 hours I would wait for an additional 3 to 5 days allowing time for the institutional mail system to deliver the paperwork. If I received the appeal paperwork

the Hearing Officer's decision into the computer system.

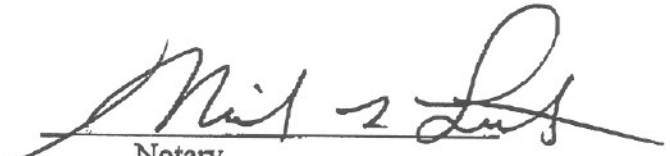
4. The Hearing Officers began performing the data entry function on March 2005.

5. I make the foregoing statements based upon my personal knowledge and information and experience as the Administrative Assistant I to the Legal Services Administrator.


Catherine Malay

SWORN TO AND SUBSCRIBED before me this, 12 day of April,

2006.


Notary